HONOURABLE SRI JUSTICE D.S.R.VARMA
AND
HONOURABLE SRI JUSTICE D.APPA RAO

WRIT PETITION Nos.6613 & 8368 of 2007

Dated: 25.06.2007

TAKEN UP WRIT PETITION No.6613 of 2007

Between:

Tahir Bin Abdulla

...Petitioner

And:

The Commissioner, Cyberabad,
Ranga Reddy District and
three others.

...Respondents

WRIT PETITION No.8368 of 2007

Between:

Fahad Bin Abdulla

...Petitioner

And:

The Sub-Inspector of Police,
P.S. Sanga Reddy, Medak District and
two others.

...Respondents

HONOURABLE SRI JUSTICE D.S.R.VARMA
AND
HONOURABLE SRI JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION No.6613
AND
WRIT PETITION No.8368 of 2007

ORAL COMMON ORDER: **(per the Hon'ble Sri Justice D.S.R.Varma)**

Heard the learned Assistant Government Pleader, representing learned Advocate General, appearing for the respondents.

2. Since the complaint of the petitioners, in both the writ petitions, relates to the marriage of one Soni Bai Chowhan with one Fahad Bin Abdullah and the subsequent events occurred thereon, they are heard together and disposed of by this common order.

3. In W.P.No.8368 of 2007, the petitioner seeks to issue a writ of Habeas Corpus directing respondent Nos.1 and 2 to produce his wife Smt. Maseera Fatima @ Soni Bai Chowhan from the illegal custody of her father (respondent No.3).

4. In Writ Petition No.6613 of 2007, which is taken up on the basis of a 'letter', dated 28.03.2007, by one Tahir Bin Abdullah, to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad, the petitioner has alleged that after the legal marriage of his brother (the petitioner in W.P.No.8368 of 2007) with the said Soni Bai Chowhan, her parents are not sending her to her husband, torturing her and that, on a false complaint, at the instance of the father of said Soni Bai Chowhan, the Police are trying to implicate his brother in a false case and separate the couple. He further alleged that, on a false complaint made by the father of said Soni Bai Chowhan, a case of kidnap was registered in Crime No.53 of 2007 against his brother i.e., Fahad Bin Abdullah and others and prays to release his brothers and friends i.e., (1). Tayyab Bin Abdullah (2). Saud Bin Abdullah and (3). Baba from the illegal detention of the Police.

5. In order to verify the facts, this Court directed that the said Soni Bai Chowhan @ Maseera Fatima be present before this Court and accordingly she is present before

this Court. Upon questioning by this Court, the said lady stated that she was born in the year 1984 and being a major she had taken a decision to live with her parents only. She further stated that she is giving the statement on her own volition without any coercion or force and denied the harassment at the hands of her parents.

6. Upon receipt of notice, issued by this Court, the Sub-Inspector of Police, Moinabad Police Station, Cyberabad Commissionerate, Ranga Reddy District, filed counter-affidavit denying *inter alia* the allegations made in the writ petitions and stated that on his requisition, dated 09.03.2007, the VII Metropolitan Magistrate, Cyberabad at Hayathnagar, recorded the statement of the said Soni Bai Chowhan under Section 164 of the Code of Criminal Procedure and subsequently, as per her request, she was handed over to her parents.

7. In view of the aforesaid facts and circumstances and having regard to the statement made by the said Soni Bai Chowhan, before this Court, we do not find any valid reason to initiate any further action as prayed for in both the writ petitions and the same are liable to be closed

8. In the result, both the writ petitions are closed, at the stage of admission. However, there shall be no order as to costs.

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D.S.R.VARMA, J

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D.APPA RAO, J

25.06.2007
dr